UNITED STATES PATENT AND TRADEMARK OFFICE

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09/848,372	05/04/2001	Hideo Takiguchi	03500.015356.	6793

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>10 September 2009</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>34-66</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>34-66</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to communications: Amendment, filed on 9/10/09.

Claims 34-66 are pending in this application.

Claim Rejections – 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 49-50, 52-60, and 62--66 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Anderson U.S. Patent No. 6,215,523 (Hereafter this patent will be referred to

as Anderson II) in view of Fellegara et al. US Patent 6,441,854 further in view Morgenthaler US

2002/0032677 in view of Anderson et al., U.S. Patent No. 6,680,749 in view of Dow et al. U.S.

Patent No. 6,549,304

As per claim 49, Anderson II teaches an image processing apparatus comprising:

A capturing unit adapted to capture a reduction image stored in a storage medium; (figure

8, item 110)

A first display control unit adapted to cause a display device to display the reduction

images captured by said capturing unit; (figure 8, item 700; col. 10, lines 50-70)

A second display control unit adapted to cause a display device change, sequentially,

display of images each larger than, and each corresponding to, a respective reduction image

display be said first display control unit; (column 6, lines 63-column 7, lines 24, column 12, lines 35-65).

A registering unit adapted to register, from among a series of image displayed by said display control unit, image indicated by a user as a target of single process. (col. 10, lines 50-col. 11, lines 10);

However, Anderson II fails to teach an indicating unit adapted to indicate at least one image among the images automatically changed and sequentially display by said display control unit.

Fellegara teaches automatically changed (column 15, lines 1-8) and sequentially display by said display control unit. (column 14, lines 20-55)

It would have been obvious to an artisan at the time of the invention to include Fellegara's teaching with method of Anderson II in order to provide user with the ability to automatically scroll the image after predetermined time periods.

Morgenthaler teaches indicating at least one of the images in the automatically. (see Morgenthaler; paragraph 0056)

It would have been obvious to an artisan at the time of the invention to include Morgenthaler's teaching with method of Anderson II and Fellegara in order to provide user with the ability select image during slide show.

However, they fails to teach a storing unit adapted to continue, at least up to completion of the automatic and sequential display with the larger size by said second display control unit, to store information indicating the image indicated by said indicating unit as the image to be subject

later to the specific image process during the automatic and sequential display with the larger

size by said second display control unit;

Anderson teaches a storing unit adapted that store information indicating the image

subject to the specific image process. (see Anderson, col. 8, lines 44-57; col. 13, lines 15-35)

Dow teaches a specifying unit adapted to specify the storage at least up to completion of

the automatic and sequential display with the larger size by said second display control unit,

indicated the image subject to the specific image by said second display control unit is

completed. (see Dow, col. 6, lines 13-63)

It would have been obvious to an artisan at the time of the invention to include teachings

of Anderson and Dow's teaching with method of Anderson II, Fellegara, and Morgenthaler in

order to provide user with the ability select image during slide show.

As per claim 50, Anderson II, Fellegara, Morgenthaler, Anderson and Dow teach the

apparatus according to claim 49. Anderson II further teaches wherein the specific image process

includes a print process (col. 7, lines 1-32).

As per claim 52, Anderson II, Fellegara, Morgenthaler, Anderson and Dow teach an

image processing apparatus according to claim 49. Anderson teaches wherein said execution

indication unit can select whether or not to execute plural kinds of image processes. (column 13,

lines 25-68)

As per claim 53, Anderson II, Fellegara, Morgenthaler, Anderson and Dow teach an

image processing apparatus according to claim 49. Anderson II further teaches wherein an

application program corresponding to the specific image process automatically starts after the

end of the display by said second display control unit (column 12, lines 56 – column 13, lines

15).

As per claim 54, Anderson II teaches an image processing apparatus comprising:

A capturing unit adapted to capture images stored in a storage medium; (column 2, lines

35-46)

A display control unit adapted to control so that the images captured by said capturing

unit are displayed in full-screen as a slideshow; (column 12, lines 56-column 13, lines 15) and

A registering unit adapted to register the image indicated by said indicating unit, as a

target of a specific process. (figure 8, items 700, and 704)

However, Anderson II fails to teach an indicating unit adapted to indicate at least one

image among the images display as the slide show by said display control unit.

Fellegara teaches an indicating unit adapted to indicate at least one image among the

images display as the slide show by said display control unit. (column 14, lines 20-55)

It would have been obvious to an artisan at the time of the invention to include

Fellegara's teaching with method of Anderson II in order to provide user with the ability to

automatically scroll the image after predetermined time periods.

Morgenthaler teaches indicating at least one of the images in the automatically. (see

Morgenthaler; paragraph 0056)

It would have been obvious to an artisan at the time of the invention to include

Morgenthaler's teaching with method of Anderson II and Fellegara in order to provide user with

the ability select image during slide show.

However, they fails to teach a storing unit adapted to continue, at least up to completion of the automatic and sequential display with the larger size by said second display control unit, to store information indicating the image indicated by said indicating unit as the image to be subject later to the specific image process during the automatic and sequential display with the larger size by said second display control unit;

Anderson teaches a storing unit adapted that store information indicating the image subject to the specific image process. (see Anderson, col. 8, lines 44-57; col. 13, lines 15-35)

Dow teaches a specifying unit adapted to specify the storage at least up to completion of the automatic and sequential display with the larger size by said second display control unit, indicated the image subject to the specific image by said second display control unit is completed. (see Dow, col. 6, lines 13-63)

It would have been obvious to an artisan at the time of the invention to include teachings of Anderson and Dow's teaching with method of Anderson II, Fellegara, and Morgenthaler in order to provide user with the ability select image during slide show.

As per claims 55-57, they are rejected with the same rationale as claim 49. Supra.

As per claims 58-60, they are rejected with the same rationale as claim 54. Supra.

As per claim 62, which is dependent on claim 49, Anderson II teaches the claim 49. Anderson II further teaches wherein information indicating the process target is displayed together with the selected image. (figure 8, items 700, and 704)

As per claim 63, which is dependent on claim 54, it is of the same scope as claim 62. Supra.

As per claim 64, Anderson II teaches an image processing apparatus comprising:

A capturing unit adapted to capture a reduction image stored in a storage medium; (figure 8, item 110)

A first display control unit adapted to cause a display device to display the reduction images captured by said capturing unit; (figure 8, item 700; col. 10, lines 50-70)

A second display control unit adapted to cause a display device change, sequentially, display of images each larger than, and each corresponding to, a respective reduction image display be said first display control unit; (column 6, lines 63-column 7, lines 24, column 12, lines 35-65).

A registering unit adapted to register, from among a series of image displayed by said display control unit, image indicated by a user as a target of single process. (col. 10, lines 50-col. 11, lines 10);

However, Anderson II fails to teach an indicating unit adapted to indicate at least one image among the images automatically changed and sequentially display by said display control unit.

Fellegara teaches automatically changed (column 15, lines 1-8) and sequentially display by said display control unit. (column 14, lines 20-55)

It would have been obvious to an artisan at the time of the invention to include Fellegara's teaching with method of Anderson II in order to provide user with the ability to automatically scroll the image after predetermined time periods.

Morgenthaler teaches indicating at least one of the images in the automatically. (see Morgenthaler; paragraph 0056)

It would have been obvious to an artisan at the time of the invention to include Morgenthaler's teaching with method of Anderson II and Fellegara in order to provide user with the ability select image during slide show.

However, they fails to teach a storing unit adapted to continue, at least up to completion of the automatic and sequential display with the larger size by said second display control unit, to store information indicating the image indicated by said indicating unit as the image to be subject later to the specific image process during the automatic and sequential display with the larger size by said second display control unit;

a specifying unit adapted to specify the storage image corresponding to the image indicated by the information held by said holding unit, as an image group to be subjected to the specific image process, when the automatic sequential display by said second display control unit is completed.

Anderson teaches a storing unit adapted that store information indicating the image subject to the specific image process. (see Anderson, col. 8, lines 44-57; col. 13, lines 15-35)

Dow teaches a specifying unit adapted to specify the storage at least up to completion of the automatic and sequential display with the larger size by said second display control unit, indicated the image subject to the specific image by said second display control unit is completed (column 6, lines 13-63)

It would have been obvious to an artisan at the time of the invention to include teachings

of Anderson and Dow's teaching with method of Anderson II, Fellegara, and Morgenthaler in

order to provide user with the ability select image during slide show.

Claims 65 and 66 are rejected under the same rationale as claim 64. Supra.

Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson II U.S.

Patent No. 6,215,523 in view of in view of Fellegara US Patent 6,441,854 further in view

Morgenthaler US 2002/0032677 Anderson et al., U.S. Patent No. 6,680,749 in view of Dow et

al. U.S. Patent No. 6,549,304 further in view of Chui et al., U.S. Patent no. 6,657,702.

As per claim 51, Anderson II, Fellegara, Morgenthaler, Anderson and Dow teach the

apparatus of claim 49. However, Anderson II does not teach the apparatus that is able to perform

an electronic mail transmission process.

Chui teaches an apparatus that is able to perform an electronic mail transmission process.

(see Chui, column 17, lines 25 – 32).

It would have been obvious to an artisan at the time of the invention to include Chui's

teaching with the modified Anderson II to allow user to transmit images through the Internet.

Claims 34-40, 44-48, and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Anderson et al., U.S. Patent No. 6,680,749 in view of Dow et al. U.S. Patent No. 6,549,304

further in view of Anderson II U.S. Patent No. 6,215,523, further in view of Fellegara et al. US

Patent 6,441,854 further in view Morgenthaler US 2002/0032677

As per claim 34, Anderson teaches an image processing apparatus comprising:

a capturing unit adapted to capture a reduction image from a storage medium storing

storage images, the reduction images respectively corresponding to the storage images (col. 5,

lines 55-57 and col. 6, lines 67- col. 7, line 4);

a first display control unit adapted to cause a display device to display the reduction

images captured by said capturing unit (fig. 13, item 852 and col. 12, lines 52-55);

a reduction image selection unit adapted to select reduction images from among the

reduction images displayed by said first display control unit (col. 13, lines 1-5);

a designating unit adapted to designate at least one image among the images displayed by

said second display control unit in the size larger than that of the reduction image, as an image to

be subject to a specific image process; (column 13, lines 20-35);

a storing unit adapted to hold information indicating which of the images is designated by

said designating unit as the image to be subjected to the specific process, during at least the

automatic and sequential display effected by said second display control unit; (column 13, lines

15-35; lines 30-60) and

However, Anderson fails to teach a storing unit adapted to continue, at least up to

completion of the automatic and sequential display with the larger size by said second display

control, specifically states and a specifying unit adapted to specify the storage image

corresponding to the image indicated by the information held by said holding unit, as an image

group to be subjected to the specific image process, when the automatic sequential display by

said second display control unit is completed.

Dow et al. teaches a storing unit adapted to continue, at least up to completion of the automatic and sequential display with the larger size by said second display control, and a specifying unit adapted to specify the storage image corresponding to the image indicated by the information held by said holding unit, as an image group to be subjected to the specific image process, when the automatic sequential display by said second display control unit is completed. (column 6, lines 13-63)

It would have been obvious to an artisan at the time of the invention to include Dow's teaching with Anderson's apparatus to allow user to arrange and index images as a group.

However, they both fail to teach a second display control unit adapted to effect, in a size larger than that of the reduction image, display of images corresponding to the stored images which correspond respectively to the reduction images selected by said reduction image selection unit;

Anderson II teaches a second display control unit adapted to effect, in a size larger than that of the reduction image, display of images corresponding to the stored images which correspond respectively to the reduction images selected by said reduction image selection unit; (column 6, lines 63-column 7, lines 24, column 12, lines 35-65).

It would have been obvious to an artisan at the time of the invention to include Anderson II's teaching with apparatus of Anderson and Dow to view the full image in a slide show.

However, they fail to teach automatic sequential display of larger size images.

Fellegara teaches automatic sequential display of larger size images. (column 14, lines 20-55)

It would have been obvious to an artisan at the time of the invention to include Fellegara's teaching with method of Anderson, Dow, and Anderson II in order to provide user with the ability to automatic scroll the image after predetermined time periods.

Morgenthaler teaches indicating at least one of the images in the automatically. (see Morgenthaler; paragraph 0056)

It would have been obvious to an artisan at the time of the invention to include Morgenthaler's teaching with method of Anderson II and Fellegara in order to provide user with the ability select image during slide show.

As per claim 35, Anderson, Dow, Anderson II, Fellegara, and Morgenthaler teach an image processing apparatus according to claim 34. Anderson II further teaches second display control unit performs a slide show display, and wherein the storage image corresponding to each of the reduction images selected by said reduction image selection unit is displayed as the larger image (col. 7, lines 1-24).

Morgenthaler teaches indicating at least one of the images in the automatically. (see Morgenthaler; paragraph 0056)

As per claim 36, Anderson, Dow, Anderson II, Fellegara, and Morgenthaler teach an image processing apparatus according to claim 34. Anderson further teaches wherein said second display control unit causes the display device to display any one of the images to be displayed. (col. 12, lines 65-66)

As per claim 37, Anderson, Dow, Anderson II, Fellegara, and Morgenthaler teach an image processing apparatus according to claim 36. Anderson further teaches wherein said second display control unit causes the display device to further display an indication section for changing the image to be displayed on the display device. (fig 13)

As per claim 38, Anderson, Dow, Anderson II, Fellegara, and Morgenthaler teach an image processing apparatus according to claim 34. Anderson further teaches wherein an application program corresponding to the specific image process automatically starts after the end of the display by said second display control unit (column 9, lines 46 – 63).

As per claim 39, Anderson, Dow, Anderson II, Fellegara, and Morgenthaler teach an image processing apparatus according to claim 34. Anderson further teaches wherein said designation unit can select whether or not to execute plural kinds of image processes (col. 9, lines 15-45).

As per claim 40, Anderson, Dow, Anderson II, Fellegara, and Morgenthaler teach an image processing apparatus according to claim 34. Anderson further teaches wherein the specific image process includes a print process (col. 13, lines 20-21).

As per claim 44, Anderson, Dow, Anderson II, Fellegara, and Morgenthaler teach an image processing apparatus according to claim 34. Anderson further teaches wherein the specific image process includes a transfer process of transferring the storage image to a desired storage area (col. 13, lines 20 – 21).

As per claim 45, Anderson, Dow, Anderson II, Fellegara, and Morgenthaler teach an image processing apparatus according to claim 34. Anderson further teaches wherein the storage medium is included in a digital camera (col. 4, lines 43 – 45 and col. 6, lines 2 – 5).

As per claim 46, it is rejected with the same rationale as claim 34. (see rejection above)

As per claim 47, it is rejected with the same rationale as claim 34. (see rejection above)

As per claim 48, it is rejected with the same rationale as claim 34. (see rejection above)

As per claim 61, Anderson, Dow, Anderson II, Fellegara, and Morgenthaler teach an image processing apparatus according to claim 34. Anderson II further teaches providing information indicating the process target is displayed together with the selected image. (figure 8, items 700, and 704)

Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al., U.S. Patent No. 6,680,749 in view of Dow et al. U.S. Patent No. 6,549,304 further in view of Anderson II U.S. Patent No. 6,215,523. further in view of Fellegara et al. US Patent 6,441,854 further in view Morgenthaler US 2002/0032677 further in view of Takakura et al., U.S. Patent no. 5,752,053.

As per claim 41, Anderson, Dow, Anderson II, Fellegara, and Morgenthaler teach an image processing apparatus according to claim 40. However they fail to teach the apparatus comprising an editing operation accepting unit adapted to accept a user's operation to edit arrangements of the images to be printed and print sizes thereof in the print process.

Takakura et al. teaches the apparatus comprising an editing operation accepting unit adapted to accept a user's operation to edit arrangements of the images to be printed and print sizes thereof in the print process(see Takakura, column 2, lines 44 – 49). It would have been

obvious to one of ordinary skill in the art at the time of the invention to incorporate the method

of Takakura with the method of Anderson, Dow, Anderson II, and Fellegara in order to allow a

user to input an edit to arbitrary positions while observing a state of print binding.

Claims 42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Anderson et al., U.S. Patent No. 6,680,749 in view of Dow et al. U.S. Patent No. 6,549,304

further in view of Anderson II, U.S. Patent No. 6,215,523 in view of Fellegara et al. US Patent

6,441,854 further in view Morgenthaler US 2002/0032677 further in view of Chui et al., U.S.

Patent no. 6,657,702.

As per claim 42, Anderson, Dow, Anderson II, Fellegara, and Morgenthaler teach an

image processing apparatus according to claim 34. However they fail to teach wherein the

specific image process includes an electronic mail transmission process. Chui et al. ("Chui")

teaches wherein an image processing is a mail transmission processing (see Chui, column 17,

lines 25 – 32).). It would have been obvious to one of ordinary skill in the art at the time of the

invention to incorporate the method of Chui with the method of Anderson, Dow, Anderson II,

and Fellegara in order to allow the users to distribute images to recipients not located near the

user.

As per claim 43, Anderson, Dow, Anderson II, Fellegara, Morgenthaler and Chui teach

an image processing apparatus according to claim 42, Chui further teaches the apparatus

comprises an electronic mail formation control unit adapted to control to perform a new

electronic mail formation process of attaching the image indicated to be transmitted as electronic

mail, in the electronic mail transmission process. (see Chui, column 17, lines 25 – 32).

Response to Argument

Applicant's arguments filed 9/10/09 have been fully considered but they are not

persuasive.

A) Whether Dow teaches a designating unit adapted to designate at least one image

among the images display by said second display control unit in the size larger than that of the

reduction image, as an image to subject later to a specific image?

A) Dow teaches this limitation because Dow allows user to zoom into a image where by

the zoom in image is larger than that of the original image. (see Dow, col. 6, lines 13-63)

B) Whether Fellegara teaches automatically changed and sequentially display by said

display control unit?

B) Fellegara teaches this limitation because it provide an user with ability to apply

camera function to a group of image such that the user can see the effect to the images. (see

Fellegara, col. 14, lines 55- col. 15, lines 8)

C) Whether Anderson II teaches full-screen as the slides show?

C) Anderson II teaches this limitation because it display full-size picture in a slide show.

(see Anderson II column 12, lines 56-column 13, lines 15)

Contact Information

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to SIMON KE whose telephone number is (571)272-4062. The

examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Dennis Chow can be reached on (571) 272-7767. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Peng Ke
/Peng Ke/
Primary Examiner, Art Unit 2174